

**Department of Environmental Conservation
Response to Comments**

for the

Small Suction Dredge Placer Miners General Permit

APDES Permit No. AKG371000

Public Notice: October 26, 2017 – November 28, 2017

December 19, 2017



Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501

1.0 Introduction

1.1 Summary of the Permit

The Small Suction Dredge Placer Miners General Permit (AKG375000) authorizes discharges of wastewater from suction dredges that process gold placer ores and have intake diameters less than or equal to six inches and horsepower less than or equal to 18 (fresh waters) or 23 (marine waters). The permit provides statewide coverage for discharges to fresh and marine waters of the U.S., with certain limitations. Fact Sheet Sections 1.0 and 2.0 provide additional coverage information and regulatory history. Specific conditions under which pollutants may be discharged are detailed in the permit and further explained in the fact sheet.

1.2 Opportunities for Public Participation

The Alaska Department of Environmental Conservation (DEC or the Department) proposes to reissue an Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge general permit for the discharges from small suction dredge placer miners. To ensure public, agency, and tribal notification and opportunities for participation, the Department:

- identified the permit on the annual Permit Issuance Plan posted online at: <http://www.dec.state.ak.us/water/wwdp/index.htm>;
- notified, via letter, fax, and/or email, potentially affected tribes, local governments, the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the Environmental Protection Agency (EPA) that the Department would be working on the permit;
- posted a preliminary draft of the permit on-line for a 10-day applicant review on September 25, 2017 and notified potential permittees, tribes, local governments, and State and federal agencies, including the Alaska Department of Fish and Game (ADF&G), the Alaska Department of Natural Resources (DNR), the U.S. Bureau of Land Management, the U.S. Army Corps of Engineers, NMFS, USFWS, and EPA;
- formally published public notice of the draft permit on October 26, 2017 in three newspapers (*Alaska Dispatch News*, *Fairbanks Daily News-Miner*, and *The Nome Nugget*), posted the public notice on the Department's public notice web page, and distributed the public notice to potential permittees, tribes, local governments, and State and federal agencies;
- posted the proposed final permit modification on-line for a 5-day applicant review on December 19, 2017 and notified potential permittees, tribes, local governments, and State and federal agencies; and
- sent email notifications via the APDES Program List Serve when the preliminary draft, draft, and proposed final permit were available for review.

The Department received written comments on the draft permit from ADF&G and Brian Berkahn.

This document summarizes the comments submitted and the justification for any action taken or not taken by the Department in response to the comments. Significant changes are identified herein and reflected in the final permit and fact sheet. Comments addressing unsubstantial changes (such as formatting, typos, contact information, or minor wording edits) are not addressed within this document but may be reflected within the final permit and fact sheet (e.g., changes to Permit Part 1.5.2).

2.0 Comments on Permit Coverage

2.1 Comment (Draft Permit) - Permit Part 1.2.1.1 (Permit Coverage):

One comment recommended changing the maximum horsepower from 18 (fresh waters) and 23 (marine waters) to 23 for fresh and marine waters.

Response:

The prior permit contained allowances for dredges with horsepowers greater than 18 (fresh waters) or 23 (marine waters). However, upon the 2017 reissuance of the permit, no large horsepower dredges remained active under this category, possibly because most small dredges elect to remain within the lower horsepower requirements of other State agencies. Small suction dredges with large horsepower remain eligible for coverage under the Medium Suction Dredge General Permit (AKG371000) and would be subject to requirements similar to those of the prior issuance of the Small Suction Dredge General Permit. See Fact Sheet Section 1.2 for additional details. No changes were made to the permit documents based on this comment.

2.2 Comment (Draft Permit) - Permit Part 1.5.1 (Notification Requirements):

One comment suggested that small suction dredge operations should not be subject to an annual registration and fee payment because most of the information is already collected through the Application for Permits to Mine in Alaska (APMA) process and with annual labor statements.

Response:

The APMA process is an inadequate method for collecting information on small suction dredge operations, primarily because a large volume of small-scale or recreational mining operations do not operate on mining claims or otherwise fall outside the categories of operations required to submit APMA's and annual labor statements to DNR. Requiring APMA's from such operations would place undue

burden on other agencies, such as DNR, and would subject the applicants to larger processing fees.

Furthermore, fees for all APDES permits are contained with State regulations (18 AAC 72) and became effective October 22, 2016 following a public notice period. APDES fees are not eligible for modification under this permit action. The annual online registration process is intended to streamline and simplify the fee collection and authorization process, thus keeping permit fees as low as possible. No changes were made to the permit documents based on this comment.

2.3 Comment (Draft Permit) - Permit Part 2.1.2 (Best Management Practices):

One comment suggested modifying Permit Part 2.1.2, a prohibition of the use of motorized equipment to move obstructions, to allow the use of motorized equipment for safety reasons.

Response:

The proposed permit already contains language under Part 2.1.2 stating that the “prohibition does not apply to the non-routine use of such equipment either to move obstructions that present an immediate safety hazard or to assist with reclamation upon completion of mining.” This language was included to align the permit with similar stipulations within the Medium Suction Dredge General Permit (AKG371000). No changes were made to the permit documents based on this comment.